



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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May 4, 2010

To: Supervisor Gloria Molina, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

## **SACRAMENTO UPDATE**

This memorandum includes status updates on five County-advocacy bills relating to: 1) water consumption; 2) Senate Local Government Omnibus bill; 3) extended producer responsibility; 4) recycled water; and 5) general plan amendments; and two County-interest bills relating to general plan amendments and habitat mitigation.

### **Status of County-Advocacy Legislation**

**County-supported if amended AB 1975 (Fong)**, which would require every water purveyor that provides water service to a person residing in a multiunit residential, mixed-use residential, or commercial structure for newly constructed buildings for which a construction permit has been issued on or after January 1, 2012, to require the installation of meters or submeters on each individual rental unit as a condition of new water service to that property, was amended on April 29, 2010. The amendments delete the provisions which: 1) allowed property owners to charge an administrative fee for the cost of reading meters/submeters and providing billing services; and 2) allowed owners to charge an additional fee of up to \$10 for late payments. This measure was pending a vote on the Assembly Floor, but was sent back to the Assembly Appropriations Committee after it was amended.

*"To Enrich Lives Through Effective And Caring Service"*

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**County-supported SB 894 (Senate Local Government)**, which is the Senate Local Government omnibus bill that contains four County-sponsored provisions, passed the Senate Appropriations Committee on May 3, 2010 on consent, and now proceeds to the Senate Floor.

The County-sponsored provisions in SB 894 would: 1) raise the limit on change orders for public works contracts that county supervisors delegate to county officials from \$150,000 to \$210,000; 2) authorize a county board of supervisors to delegate authority to approve change orders on county bridge and subway construction contracts to county officers; 3) authorize a county board of supervisors, acting as a county waterworks district's governing board, to delegate to the district manager or other district official the authority to approve change orders on construction contracts; and 4) allow the Los Angeles County Board of Supervisors to delegate to the Los Angeles County Flood Control District's chief engineer or other District officer the authority to approve change orders on construction contracts.

**County-supported SB 1100 (Corbett)**, which would: 1) require battery manufacturers to submit a stewardship plan to the Department of Resources Recycling and Recovery for review by September 30, 2011; 2) prohibit, on and after January 1, 2012, a producer, wholesaler, or retailer from selling household batteries unless CalRecycle certifies the submitted plan as complete; 3) establish progressive collection goals for household batteries of 50 percent by 2014, 70 percent by 2017, with the ultimate goal of reaching 95 percent collection; and 4) require battery manufacturers to reimburse local public agencies for the cost of collection of household batteries and/or provide the local public agency with specified information for the convenient collection points for household batteries within the county where the local agency is located, passed the Senate Appropriations Committee on May 3, 2010 by a vote of 6 to 3. This measure now proceeds to the Senate Floor.

**County-supported if amended SB 1173 (Wolk)**, which would declare the use of all "raw or potable water", as defined, for nonpotable municipal or industrial uses is a waste or unreasonable use of water if recycled water is available that meets specified conditions and prohibit a person or public agency from using raw or potable water that is suitable for nonpotable municipal or industrial uses if suitable recycled water is available that meets specified conditions, passed the Senate Appropriations Committee on May 3, 2010 by a vote of 6 to 3, and now proceeds to the Senate Floor.

**County-opposed SB 1174 (Wolk)**, which would require a city or county to amend its general plan to address the presence of island, fringe, or legacy unincorporated communities, inside or near its boundaries, and would require the amended general plan to include a program to reduce identified infrastructure deficiencies in these communities, was amended on April 27, 2010, and again on April 29, 2010.

The amendments to SB 1174 require cities to identify each unincorporated island or fringe community in its updated general plan and counties to identify legacy communities. The updated general plan must include the extent to which households in the community lack access to sanitary sewer service, access to municipal water service, and the extent to which the community lacks paved roads, storm drainage, sidewalks, and street lighting.

The amendments also: 1) require the analysis of the disadvantaged communities to evaluate whether the annexation of, or extension of service to, any identified island or fringe community is appropriate; 2) require the city or county to make a diligent effort to involve all members of the public, including residents of the island, fringe, or legacy community in preparing the updated general plan; and 3) specify that local governments cannot be reimbursed by the State for provisions within the bill because local agencies have the authority to charge fees for the mandated general plan requirements.

The Department of Regional Planning (DRP) indicates that local jurisdictions should address infrastructure deficiencies in all communities through capital improvement plans, and not the general plan. Because the bill still requires counties to identify legacy communities, conduct a detailed analysis related to infrastructure availability, and develop a program to reduce identified infrastructure deficiencies in these communities, DRP recommends that the County continue to oppose SB 1174 because it would constitute a State unfunded land use and general plan-related mandate. This measure is set for a hearing in the Senate Appropriations Committee on May 10, 2010.

### **Status of County-Interest Legislation**

**SB 1207 (Kehoe)**, which would require: 1) the general plan safety element for State Responsibility Areas (SRAs) and very high fire hazard severity zones to be reviewed and updated prior to January 1, 2015; 2) each revision of the general plan housing element after January 1, 2015, to address risk of fire for lands in SRAs and very high fire hazard severity zones; 3) the review of the general plan elements to consider the advice of the "Fire Hazard Planning" document prepared by the Office of Planning and Research (OPR); and 4) OPR to update the Fire Hazard Planning document before January 1, 2012, was placed on the Senate Appropriations Committee's suspense file on May 3, 2010.

This measure would also require: 1) the general plan safety element to include specific information regarding fire hazard information, including objectives for protecting the community from unreasonable fire risk and implementation measures; 2) require OPR, in cooperation with the Department of Forestry and Fire Protection, to prepare, develop, and transmit to the Secretary of Natural Resources Agency recommended proposed changes or amendments to the initial study for the inclusion of questions related to fire

Each Supervisor  
May 4, 2010  
Page 4

hazard impacts for projects in SRAs and high fire hazard severity zones; and 3) require the Secretary of the Natural Resources Agency to certify and adopt these recommended proposed changes or amendments.

**SB 1446 (Correa)**, which includes intent language regarding the establishment of alternatives for financial assurances for public agencies that would ensure those agencies fully fund their obligation on an ongoing basis for habitat mitigation and the maintenance and monitoring of that mitigation, was withdrawn from the Senate Appropriations Committee on April 27, 2010, and sent to the Senate Floor where it is currently pending a vote.

We will continue to keep you advised.

WTF:RA  
EW:sb

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants